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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,386	02/27/2004	Randall Brogan	CONC1049U	4939

25722 7590 02/28/2005

CONCORD CAMERA CORP.
4000 HOLLYWOOD BLVD
#650N
HOLLYWOOD, FL 33021

EXAMINER

JERABEK, KELLY L

ART UNIT PAPER NUMBER

2612

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/789,386	Applicant(s) BROGAN ET AL.	
	Examiner Kelly L. Jerabek	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, and 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Colby US 2003/0030731 in view of Johanson et al. US 2003/0018744.

Re claim 1, Colby discloses in figures 10-12 a method of transmitting image data wirelessly between two cameras (900,1000). Transmitting digital camera (900) includes a radio transmitter (910) and receiver (920), a display (115), a memory (120), and a manual user interface (130A) (page 7, paragraphs 69-77). Figure 12 illustrates a select transmission mode step (1210) where camera (900) is set in a transmission mode using controls (manual user interface) (130A) (page 7, paragraph 72). Next, in a select image step (1220) one or more previous images are viewed and selected to be transmitted using the manual user interface (130A) (page 7, paragraph 73). Although Colby discloses all of the above limitations he fails to distinctly state that an inquiry of devices

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within range of the radio transceiver is automatically performed and that the selected images are transmitted to at least one of the devices found by the inquiry.

Johanson discloses in figure 1 an electronic device (10) that communicates with all nearby electronic devices (20) to obtain a location of each device. The electronic devices (10,20) such as computers, laptops, cellular telephones, a PDAs, printers, etc. are all provided with transceivers (12,22) (page 1, paragraph 15 – page 2, paragraph 18). The electronic device (10) automatically performs an inquiry of devices (20) within a range of its radio transceiver (12), and a user can select one of the electronic devices (20) determined to be within the range to communicate with (page 2, paragraphs 19-20). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the teaching of an electronic device performing an inquiry of devices within a range and selecting a device to communicate with based on the inquiry as disclosed by Johanson in the method of transmitting selected image data wirelessly between two cameras as disclosed by Colby. Doing so would provide a means for allowing a user to select a device to transmit data to based on the location of the device relative to the user (Johanson: page 1, paragraph 7).

Re claim 2, the transceivers (12,22) discloses by Johanson transmit in accordance with the BLUETOOTH specification (page 2, paragraph 25).

Re claim 3, the radio transmitter (910) and receiver (920) disclosed by Colby are incorporated within the body of the digital camera (900) and do not need to be

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separately turned on in order to transmit information (page 7, paragraphs 69-77).

Therefore, the radio transmitter (910) and receiver (920) are initialized when power is first provided to the image capture device (900).

Re claim 7, see claim 1.

Re claim 8, see claim 2.

Re claim 9, see claim 3.

Claims 4-5, 10-11, and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Colby in view of Johanson et al. and further in view of Tamura JP 09-37125.

Re claims 4 and 10, the combination of the Colby and Johanson references discloses all of the limitations of claims 2 and 8 above. However, neither reference specifically states that the radio transceiver is initialized (turned on) in response to selecting the transmit option step.

Tamura discloses in figure 1 a camera including a transmitter (5) for wirelessly transmitting images from the camera. Power is only input to transmitter (5) after power to the camera is turned off and if the automatic transfer switch (10) is turned on (page 12, paragraph 22). Thus, the transmitter (5) is initialized in response to selecting a

transmit option. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of providing power to a transmitter only when a transmit option is selected as disclosed by Tamura in the camera capable of wirelessly transmitting image data to a plurality of devices in the area as disclosed by Colby in view of Johanson. Doing so would provide a means for reducing the decrease of the power supply voltage of a camera (Tamura: page 6, paragraph 6).

Re claims 5 and 11, Johanson states that a list of devices found in response to an inquiry of devices (20) in the area of device (10) is automatically listed on display (14) (page 2, paragraph 20). A user can then select a device (20) to communicate with by keyboard, mouse, touch screen, etc (page 2, paragraph 20). Also, in response to selecting a device (20) to communicate with, electronic device (10) automatically connects with the device (10) (page 2, paragraph 20).

Re claim 13, Colby discloses in figures 10-12 a method of transmitting image data wirelessly between two cameras (900,1000). Transmitting digital camera (900) includes a radio transmitter (910) and receiver (920), a display (115), a memory (120), and a manual user interface (130A) (page 7, paragraphs 69-77). Figure 12 illustrates a select transmission mode step (1210) where camera (900) is set in a transmission mode using controls (manual user interface) (130A) (page 7, paragraph 72). Next, in a select image step (1220) one or more previous images are viewed and selected to be transmitted using the manual user interface (130A) (page 7, paragraph 73). Although

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Colby discloses all of the above limitations he fails to distinctly state that an inquiry of devices within range of the radio transceiver is automatically performed and that the selected images are transmitted to at least one of the devices found by the inquiry.

Johanson discloses in figure 1 an electronic device (10) that communicates with all nearby electronic devices (20) to obtain a location of each device. The electronic devices (10,20) such as computers, laptops, cellular telephones, a PDAs, printers, etc. are all provided with transceivers (12,22) that transmit in accordance with the BLUETOOTH specification (page 1, paragraph 15 – page 2, paragraph 18; page 2, paragraph 25). The electronic device (10) automatically performs an inquiry of devices (20) within a range of its radio transceiver (12), and a user can select one of the electronic devices (20) determined to be within the range to communicate with (page 2, paragraphs 19-20). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the teaching of an electronic device performing and inquiry of devices within a range and selecting a device to communicate with based on the inquiry as disclosed by Johanson in the method of transmitting selected image data wirelessly between two cameras as disclosed by Colby. Doing so would provide a means for allowing a user to select a device to transmit data to based on the location of the device relative to the user (Johanson: page 1, paragraph 7). Although the combination of the Colby and Johanson disclose all of the above limitations, neither reference specifically states that the radio transceiver is initialized (turned on) in response to selecting the transmit option step.

Tamura discloses in figure 1 a camera including a transmitter (5) for wirelessly transmitting images from the camera. Power is only input to transmitter (5) after power to the camera is turned off and if the automatic transfer switch (10) is turned on (page 12, paragraph 22). Thus, the transmitter (5) is initialized in response to selecting a transmit option. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of providing power to a transmitter only when a transmit option is selected as disclosed by Tamura in the camera capable of wirelessly transmitting image data to a plurality of devices in the area as disclosed by Colby in view of Johanson. Doing so would provide a means for reducing the decrease of the power supply voltage of a camera (Tamura: page 6, paragraph 6).

Claims 6, 12, and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Colby in view of Johanson et al. further in view of Tamura and further in view of Tanaka et al. US 2001/0041056.

Re claims 6, 12, and 14 the combination of the Colby, Johanson, and Tamura references discloses all of the limitations of claims 5, 11, and 13 above. Although the Colby reference mentions controls (130A) are used to select a transmission mode, neither reference specifically states that transmit is selected from a menu displayed on a display.

Tanaka discloses in figures 1-4 an electronic camera (10) capable of wirelessly transmitting images to external devices. When the mode switching dial (22) of the camera (10) is turned to the communication mode (32) image data is transmitted to the outside through a communication connector (64) to communication device (80) for performing wireless communication with other peripheral communication devices (page 4, paragraphs 55-58). As shown in figure 5, an image transfer menu (126) is provided to a user for transmitting the image from the communication device (80) to other communication devices (page 4, paragraph 59). Therefore, it would have been obvious for one skilled in the art to have been motivated to replace controls (130A) for selecting a transmission mode as disclosed by Colby in view of Johanson and further of Tamura with image transfer menu control (126) as disclosed by Tanaka. Doing so would provide a means for allowing a user to control the transmission of images using controls on a display (Tanaka: page 4, paragraphs 59-60).

Re claim 15, Johanson states that when a device is selected from the list of devices in response to an inquiry the process automatically returns to processing segment (37) after the selected image is transmitted so the user can select another device (page2, paragraph 20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parulski et al. (US 5,943,603) discloses an electronic camera system with programmable transmission capability. The information regarding wireless transmission of image data is relevant material.

Perotti et al. (US 2004/0201687) discloses a wireless transfer of at least one digital image file between a first device and a second device. The information regarding wireless transmission of image data is relevant material.

Sesek et al. (US 2003/0103144) discloses a digital camera having an image transfer method. The information regarding wireless transmission of image data is relevant material.

Tullis (US 6,535,243) discloses a wireless hand-held digital camera. The information regarding wireless transmission of image data is relevant material.

Steinberg (US 2002/0041329) discloses an in camera messaging and advertisement system. The information regarding wireless transmission of image data is relevant material.

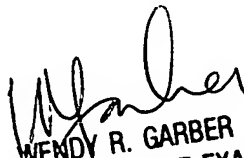
Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on **(571) 272-7308**. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ


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